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PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
		20-559	
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	09/985,879	11/06/2001	
	First Named Inventor		
	NARDONE		
	Art Unit	Examiner	
	2176	TRAN, Q.	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. 36,457 Registration number _____</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			

Signature

WILLIAM H. BOLLMAN

Typed or printed name

202-261-1020

Telephone number

OCTOBER 16, 2006

Date

<input checked="" type="checkbox"/>	*Total of <u>5</u> forms are submitted.
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 09/985,879
Filed: November 6, 2001
Group Art Unit: 2176
Examiner: Tran, Quoc A
Atty Docket No.: 20-559

In re Patent Application of:

NARDONE

Title: **SYSTEM FOR A CONFIGURABLE OPEN DATABASE CONNECTING CONDUIT**

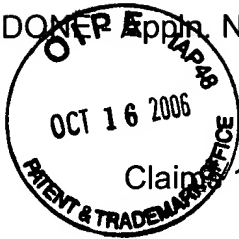
October 16, 2006

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Office Action dated May 30, 2006 and the Advisory Action dated August 16, 2006, please enter the following remarks in the subject application:



REMARKS

Claims 1-57 remain pending in the application.

Claims 1-57 over Hawkins in view of Robertson and Smith

In the Office Action, claims 1-57 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent No. 6,000,000 to Hawkins et al. ("Hawkins") in view of U.S. Patent Application Publication No. 2001/0047441 to Robertson, further in view of The Multi-Boot configuration Handbook, published March 29, 2000 to Smith ("Smith"). The Applicants respectfully traverse the rejection.

Claims 1-11 and 19-40 and 46-57 recite selecting a first database and a second database on a first graphical user interface and programming/generating a conduit with a map file based on the selection of the databases. Claims 12-18 recite configuring a conduit with a graphical user interface to synchronize a first database and a second database. Claims 41-45 recite a configurable conduit programmed with a graphical user interface to synchronize each database of a plurality of databases according to a respective mapping file of a plurality of mapping files.

The Examiner continues to frustrate the Applicants with a rejection that relies on various portions of the cited prior art that simply fails to disclose the claimed features, relies on prior art to disclose other claimed features without consideration of the use of those features within the context of the cited prior art and fails to provide motivation why one skilled in the art would modify Hawkins with the acknowledged deficiency in Hawkins.

The Examiner alleged that Hawkins discloses "a methodology and apparatus for transferring and synchronizing content between handheld devices and a personal computer, which includes communication link monitor, sync manager, process and reconcile the conduit databases." (see Response to Arguments section of the Office Action dated May 30, 2006 at page 18). The Examiner acknowledged that Hawkins' conduit database stores a list of conduit programs. The Examiner alleged that this is evidence of the process of Hawkins' teaching of HOW the synchronization program that selects two databases is

CREATED (see Response to Arguments section of the Office Action dated May 30, 2006 at page 20). However, Hawkins' discloses a conduit database that stores a list of conduit programs that may be executed and at best a synchronization program that selects two databases. Thus, any disclosure of how the database is created and selection of databases is irrelevant to how the synchronization programs, i.e., the conduits within the database, are **CREATED**, much less disclose or suggest use of a GUI in the **CREATION** of a conduit.

Moreover, the Examiner stressed Hawkins' disclosure at col. 3, line 50 through col. 4, line 50. However, as argued to the Examiner Hawkins at col. 3, line 50 through col. 4, line 50 discloses a graphical calendar program on a handheld computer 110 and a graphical calendar program on a personal computer 150. Those graphical calendar programs are high level applications that rely on a conduit for their synchronization. However, as argued Hawkins' invention is unconcerned with how a conduit is **CREATED**.

Moreover, the Examiner failed to refute that Hawkins' invention is directed toward a one button synchronization between a handheld computer, i.e., a PDA and a personal computer system. Modification of Hawkins' to use a **graphical user interface to select** databases for synchronization as a basis for **creating** a conduit is **nonsensical** since Hawkins' invention is **UNCONCERNED** with how a conduit is **CREATED**.

The Examiner argued that Hawkins and Robertson "provides a GUI so users can select a first database and a second database to synchronize database" (see Response to Arguments section of the Office Action dated May 30, 2006 at page 21). Thus, the Examiner **acknowledged** that Hawkins' and Robertson's GUIs are high level programs that a user uses to simplify **selection** of which databases to synchronize, i.e., simplify **selection** of a conduit. Hawkins and Robertson are unconcerned with how a conduit program that is selected by a GUI is **CREATED**, much less suggest the use of a GUI in the **CREATION** of a conduit, as recited by claims 1-57.

The Examiner alleged motivation to modify Hawkins with the disclosure of Robertson in the Office Action dated May 30, 2006. However, as

previously pointed out to the Examiner the Examiner's motivation to modify Hawkins with the disclosure of Robertson fails to even mention **CREATION** of a conduit, much less the obviousness of using a GUI to **CREATE** conduit, as recited by claims 1-57.

Moreover, the Examiner's motivation to modify Hawkins with the disclosure Robertson fails to provide motivation why one skilled in the art would be motivated to take Hawkins that the Examiner acknowledged is related to the **USE** of a conduit **NOT** to its **CREATION** with Robertson that the Examiner acknowledged is related to the **USE** of a conduit **NOT** to its **CREATION** would somehow result in a system and method of **CREATING** a conduit, much less result in use of a GUI in the **CREATION** of a conduit, as recited by claims 1-57.

The Examiner alleged that Smith is relied on to disclose "said conduit provides synchronization rules from said map file for said first database and said second database" (see Response to Arguments section of the Office Action dated May 30, 2006 at page 21). However, as previously pointed out to the Examiner Smith cannot disclose "said conduit" or "said map file" if Smith fails to even mention use of a conduit or a map file. Smith fails to mention a conduit, a map file and synchronization of two databases, much less disclose how a conduit is **CREATED**, much less disclose use of a graphical user interface in the creation of a conduit, as recited by claims 1-57.

Moreover, claims 1-11 and 19-40 recite a map file mapping at least one field of a first database to a corresponding field of a second database.

The Examiner acknowledged that Hawkins fails to disclose executing a conduit with a map file in response to a synchronization request (See Office Action dated May 30, 2006, page 5). However, as pointed out to the Examiner Hawkins fails to provide details of how those conduits are created. Thus, the Examiner's allegation that it is obvious to modify Hawkins to use a graphical user interface for select databases for synchronization **AND** to use a map file is unsupported by any suggestion within the cited prior art since Hawkins is irrelevant to the creation of a conduit.

The Examiner alleged that the recited map file would have been an obvious variation of a sync registry that contains a list of conduit libraries that are used to synchronize (See Office Action dated May 30, 2006, page 5). However, the Examiner has STILL failed to provide a reason WHY the recited map file is an obvious variation of Hawkins' sync registry since as previously pointed out to the Examiner the two are used for completely different reasons. As the Examiner acknowledged, Hawkins' sync registry contains a list of conduit libraries. The recited map file is recited as mapping fields between databases. The Examiner has STILL NOT addressed the entire limitation of the recited map file.


Thus, the Examiner has still failed to provide a single prior art reference that discloses how a conduit CREATED, much less that discloses or suggest the claimed features.

Accordingly, for at least all the above reasons, claims 1-57 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



William H. Bollman
Reg. No.: 36,457
Tel. (202) 261-1020
Fax. (202) 887-0336

MANELLI DENISON & SELTER PLLC

2000 M Street, NW 7TH Floor
Washington, DC 20036-3307
TEL. (202) 261-1020
FAX. (202) 887-0336
WHB/df